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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 KEVIN SHAY o/b/o ROBERT M. SHAY,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE,
14 Commissioner of the Social Security
Administration,

15 Defendant.

CASE NO. 11-cv-5622 JRC

ORDER TO SHOW CAUSE

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17 THIS MATTER comes before the Court on plaintiff's filing of an application to proceed
18 *in forma pauperis* and a complaint to review and set aside a decision of the Social Security
19 Administration pursuant to 42 U.S.C. § 405(g). To file a complaint and initiate legal
20 proceedings, a plaintiff must either pay a filing fee of \$350.00 or file a proper application to
21 proceed *in forma pauperis*. Plaintiff here has failed to do either one.
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1 By requesting that the Court allow him to proceed *in forma pauperis*, plaintiff is asking
2 the government to incur the filing fee because he allegedly is unable to afford the costs necessary
3 to proceed with his cause of action.

4 Local Rule CR 3(b) provides in relevant part:

5 At the time application is made under 28 U.S.C. § 1915 or other
6 applicable acts of Congress, for leave to commence any civil
7 action or to file any petition or motion without being required to
8 prepay fees and costs or give security for them, each petitioner,
9 movant or plaintiff shall:

- 10 (1) Complete the in forma pauperis affidavit approved for use
11 in this district; and
12 (2) File a written consent that the recovery, if any, in the
13 action, to such amount as the court may direct, shall be paid to the
14 clerk who may pay therefrom all unpaid fees and costs taxed
15 against the plaintiff, and to his attorney the amount which the court
16 allows or approves as compensation for the attorney's services.

17 The affidavit and consent provided to the Court were filed unsigned by plaintiff.
18 Therefore, plaintiff has not submitted the affidavit and written consent as required by Local Rule
19 CR 3(b).

20 Accordingly, the Court ORDERS that plaintiff shall cure these deficiencies by filing a
21 properly signed affidavit and consent no later than **November 18, 2011**. Failure to cure these
22 deficiencies by this date shall be deemed a failure to properly prosecute this matter and the Court
23 will recommend dismissal of this matter.

24 Dated this 17th day of October, 2011.



J. Richard Creatura
United States Magistrate Judge